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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

MARIA BAZZELL,) Case No.
)
Plaintiff,) COMPLAINT AND JURY DEMAND
)
vs.)
)
FINANCIAL RECOVERY SERVICES,)
INC.,)
)
<u>Defendant.</u>)

NATURE OF ACTION

1. This is an action brought pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts and transactions giving rise to Plaintiff's action occurred in this district, where Plaintiff resides in this district, and where Defendant transacts business in this district.

PARTIES

4. Plaintiff Maria Bazzell (“Plaintiff”) is a natural person who at all relevant times resided in the State of Washington, County of Spokane, and City of Cheney.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant Financial Recovery Services, Inc. (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due, a creditor other than Defendant.

9. Plaintiff’s obligation, or alleged obligation, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes – namely, a personal Webbank credit account.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due, another.

11. In connection with the collection of the alleged Debt, Defendant sent Plaintiff a letter dated October 20, 2015.

1 12. Plaintiff received Defendant's October 20, 2015 letter on or about October
2 28, 2015.

3
4 13. On October 21, 2015, in connection with the collection of the alleged
5 Debt, Defendant called Plaintiff and left her a voice message.

6 14. Defendant's October 21, 2015 voice message was the first communication
7 that Plaintiff received from Defendant.

8
9 15. Defendant's October 21, 2015 voice message to Plaintiff stated: "We have
10 an important message from Financial Recovery Services. This is a call from a debt
11 collector. Call 1-877-258-3397."

12
13 16. The October 21, 2015 voice message failed to disclose the caller's
14 identity.

15 17. The October 21, 2015 voice message failed to state that the debt collector
16 is attempting to collect a debt and that any information obtained will be used for that
17 purpose.

18
19 18. On October 22, 2015, in connection with the collection of the alleged
20 Debt, Defendant telephoned Plaintiff and left a voice mail.

21
22 19. Defendant's October 22, 2015 voice message to Plaintiff stated: "We have
23 an important message from Financial Recovery Services. This is a call from a debt
24 collector. Call 1-877-258-3397."

25
26 20. The October 22, 2015 voice mail failed to disclose the caller's identity.
27
28

1 21. Subsequently, Plaintiff disputed the debt with Defendant and requested
2 that Defendant provide Plaintiff with information to substantiate its claim that she owed
3 a debt.
4

5 22. Defendant stated they could not provide her with this over the phone, but
6 stated that it would send a letter regarding what Plaintiff allegedly owed.
7

8 23. In connection with the collection of the Debt, Defendant sent Plaintiff
9 written correspondence dated December 3, 2015.

10 24. A true and correct copy of Defendant's December 3, 2015 letter to
11 Plaintiff is attached to this complaint as Exhibit A.
12

13 25. The letter states, in part, that it enclosed "the documents that [Plaintiff]
14 requested."
15

16 26. However, enclosed with Defendant's December 3, 2015 correspondence
17 were account statements and other documents related to the purported account of an
18 unknown individual from Baltimore, Maryland.

19 27. Defendant's December 3, 2015 correspondence is misleading as it implies
20 that the enclosed documents represented verification of Plaintiff's Debt and that all the
21 law required Defendant to do was to provide that to Plaintiff.
22

23 **COUNT I**
24 **VIOLATION OF 15 U.S.C. § 1692d(6)**

25 28. Plaintiff repeats and re-alleges each and every factual allegation above.
26

27 29. Defendant violated 15 U.S.C. § 1692d(6) by placing telephone calls to
28 Plaintiff without meaningfully disclosing the caller's identity.

1 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 2 a) Adjudging that Defendant violated 15 U.S.C. § 1692d(6);
- 3
- 4 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
- 5 1692k(a)(2)(A), in the amount of \$1,000.00;
- 6
- 7 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- 8
- 9 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this
- 10 action pursuant to 15 U.S.C. § 1692k(a)(3);
- 11
- 12 e) Awarding Plaintiff pre-judgment and post-judgment interest as
- 13 permissible by law; and
- 14
- 15 f) Awarding such other and further relief as the Court may deem just and
- 16 proper.

17 **COUNT II**

18 **VIOLATION OF 15 U.S.C. § 1692e(10)**

19 30. Plaintiff repeats and re-alleges each and every factual allegation above.

20 31. Defendant violated 15 U.S.C. § 1692e(10) by using false, deceptive, or

21 misleading representations or means in connection with the collection of Plaintiff's

22 alleged Debt.

23 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 24 a) Adjudging that Defendant violated 15 U.S.C. § 1692e(10);
- 25
- 26 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
- 27 1692k(a)(2)(A), in the amount of \$1,000.00;
- 28
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);

- 1 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this
2 action pursuant to 15 U.S.C. § 1692k(a)(3);
3
4 e) Awarding Plaintiff pre-judgment and post-judgment interest as
5 permissible by law; and
6
7 f) Awarding such other and further relief as the Court may deem just and
8 proper.

9 **COUNT III**
10 **VIOLATION OF 15 U.S.C. § 1692e(11)**

11 32. Plaintiff repeats and re-alleges each and every factual allegation above.

12 33. Defendant violated 15 U.S.C. § 1692e(11) by failing to disclose in the
13 initial communication with Plaintiff that the debt collector is attempting to collect a debt
14 and that any information obtained will be used for that purpose.
15

16 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 17 a) Adjudging that Defendant violated 15 U.S.C. § 1692e(11);
18
19 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
20 1692k(a)(2)(A), in the amount of \$1,000.00;
21
22 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
23
24 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this
25 action pursuant to 15 U.S.C. § 1692k(a)(3);
26
27 e) Awarding Plaintiff pre-judgment and post-judgment interest as
28 permissible by law; and

1 f) Awarding such other and further relief as the Court may deem just and
2 proper.
3

4 **TRIAL BY JURY**

5 34. Plaintiff is entitled to and hereby demands a trial by jury.

6 Dated: March 30, 2016

7 Respectfully submitted,

8 s/Joseph Panvini

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